

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADIL SHAFI,

Counter-Plaintiff/Third Party Plaintiff,

vs

Case No: 09-10454
Honorable Victoria A. Roberts

FREDERICK WEIDINGER and
BRAINTECH, INC.,

Counter-Defendant/Third Party Defendant,

/

and

ROBOTIC VISION TECHNOLOGIES, LLC and
FREDERICK WEIDINGER,

Plaintiffs,

vs

Case No: 11-12909
Honorable Victoria A. Roberts

ADIL SHAFI,

Defendant.

/

SCHEDULING ORDER

On January 4, 2012, the Court held a telephone conference. Attending were Anne Widlak and Susan Koval representing Braintech, Inc.; Tom McNeil representing Robotic Vision Technologies, LLC and Frederick Weidinger; and Cheryl Laughern representing Adil Shafi.

Based on the discussion held:

1. The two cases remain consolidated through Summary Judgment.
2. Amendment to Pleadings: Robotic Vision Technologies and Frederick

Weidinger have until 1/25/12, to file a Second Amended Complaint in case no. 11-12909.

3. Defendant Shafi to file answer by: 2/13/12.
4. Magistrate Judge Michelson will hold a settlement conference on both cases on: Thursday, 2/16/12 at 10:00 am.
5. Discovery cutoff in case no. 11-12909 case: 6/15/12.
6. Discovery cutoff in the 09-10454 case: discovery is closed in this case.
7. Dispositive Motions **must be filed by:** 7/31/12.

When filing motions for summary judgment, parties shall proceed in accordance with the following:

- A. Counsel are expected to be familiar with the extensive changes to FRCP 56, effective December 1, 2010. If you fail to comply, the Court may strike your motion.
- B. Before filing a motion for summary judgment or responding to such a motion, the parties are urged to familiarize themselves with Celotex Corp.v Catrett, 477 U.S. 317 (1986), Anderson v Liberty Lobby, Inc. 477 U.S. 242 (1986) and Matsushita Electric Industrial Co. Ltd. v Zenith Radio Corp. 475 U.S. 574 (1986). An excellent summary of these cases appears in Street v J.C. Bradford & Co., 886 F.2d 1472 (6th Cir. 1989). See also Schwarzer, Summary Judgment under the Federal Rules: Defining Genuine Issues of Material Fact, 99 F.R.D. 465 (1984).
- C. Facts stated in the statement of material facts must be supported with citations to either the pleadings, interrogatories, admissions, depositions, affidavits, declarations or documentary exhibits.

Attached appendices must contain an index and be tabbed.

- D. Counsel are discouraged from employing elaborate boilerplate recitations of the summary judgment standard or lengthy string citations in support of well established legal principles. Instead, counsel should focus their analysis on a few well chosen cases, preferably recent and from controlling courts. For cases and other sources cited, the briefs should contain a link to the citation. Cases should not be attached.

- E. The Court cautions the parties that it is not the Court's function to "figure out" what evidence they rely upon in support of claims or defenses. It is incumbent upon the parties to make substantive arguments, with specific references to the record, in support

of **each** claim or defense asserted.

8. Response briefs must be filed by: 8/24/12.
9. Reply briefs must be filed by: 9/10/12.
10. Deadline for filing motions in limine to exclude expert testimony ("Daubert motions"): 7/31/12.
11. Deadline for filing Joint Pretrial Order: 2/19/13.
12. *Deadline for filing all other Motions in Limine: 2/19/13.
13. *Deadline for filing Responses to Motions in Limine: 2/26/13.
14. Final Pretrial Conference Date and Time: 3/5/13 at 2:00 pm.
Trial counsel must be present at the Final Pretrial Conference.
15. Hearing on Motions in Limine: 3/5/13 at 2:00 pm.
16. Trial date and time: 3/12/13 through 3/22/13 at 9:00 am.

Jury Trial X

Non Jury Trial _____

PLEASE NOTE THE FOLLOWING:

1. The Court **WILL NOT** extend dates; do not file motions requesting an extension.
2. **Briefing Schedule:** Unless specifically addressed in this Order, the local court rules apply for filing responses and replies to motions.
3. **All briefs** must comply strictly with LR 7.1 (Statement of Issues, Statement of Controlling/Most Appropriate Authority), and, in addition, must contain a Table of Contents, an Index of Authorities and an Index of Exhibits. The Exhibits must be tabbed. Unpublished cases should be attached. **Counsel are to highlight relevant portions of exhibits to which the Court's attention should be directed.** Furthermore, the format requirements as set forth in LR 5.1 must be strictly adhered to. A courtesy copy of all motions and briefs must be submitted directly to Judge Roberts' chambers.
4. **Motion hearings:** Pursuant to L.R. 7.1(e)(2), the Court will decide motions on the briefs filed, **UNLESS** the Court issues a Notice of Motion Hearing.

5. **Bench trials:** Findings of Fact and Conclusion of Law are to be submitted on the first day of trial.

* Motions in Limine can be filed in Bench Trials only with leave of court.

THE ABOVE CONSTITUTES AN ORDER OF THIS COURT.

Dated: 1/13/12

/s/ Victoria A. Roberts
Honorable Victoria A. Roberts
United States District Judge